

ASSEMBLY BILL

No. 424

Introduced by Assembly Member Beth Gaines
(Coauthor: Assembly Member Bigelow)
(Coauthor: Senator Gaines)

February 19, 2015

An act to amend Sections 101, 102, and 109 of the Welfare and Institutions Code, relating to juveniles.

LEGISLATIVE COUNSEL'S DIGEST

AB 424, as introduced, Beth Gaines. Court appointed child advocates: wards.

Existing law requires the Judicial Counsel to establish a Court-Appointed Special Advocate (CASA) program, under which volunteers serve as court appointed child advocates to provide designated services and support to dependent children and nonminor dependents in juvenile dependency proceedings. Existing law provides that a minor, under certain circumstances, is subject to the jurisdiction of the juvenile court. If the minor has violated a law or ordinance, existing law authorizes the juvenile court to adjudge the minor to be a ward of the court.

This bill would authorize the appointment of a CASA in a juvenile delinquency proceeding.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. Section 101 of the Welfare and Institutions Code is amended to read:

101. As used in this chapter, the following definitions shall apply:

(a) "Adult" means a person 18 years of age or older.

(b) "Child or minor" means a person under 18 years of age.

(c) "CASA" means a Court-Appointed Special Advocate. "CASA" also refers to a Court Designated Child Advocate in programs which have utilized that title. A CASA has the duties and responsibilities described in this chapter and shall be trained by and function under the auspices of a Court Appointed Special Advocate program as set forth in this chapter.

(d) "Court" means the superior court, including the juvenile court.

(e) "Dependent" means a child described in Section 300 of the Welfare and Institutions Code. 300.

(f) "Nonminor dependent" means a foster child as described in subdivision (v) of Section 11400.

(g) "Ward" means a child described in Section 601 or 602.

SEC. 2. Section 102 of the Welfare and Institutions Code is amended to read:

102. (a) Each CASA program shall, if feasible, be staffed by a minimum of one paid administrator. The staff shall be directly accountable to the presiding juvenile court judge and the CASA program board of directors, as applicable.

(b) The program shall provide for volunteers to serve as CASAs. A CASA may be appointed in juvenile dependency proceedings under Section 300, including proceedings involving a nonminor ~~dependent~~ dependent, and in juvenile delinquency proceedings under Section 601 or 602.

(c) Each CASA shall serve at the pleasure of the court having jurisdiction over the proceedings in which a CASA has been appointed and that appointment may continue after the child attains his or her age of majority, with the consent of the nonminor dependent. A CASA shall do all of the following:

(1) Provide independent, factual information to the court regarding the cases to which he or she is appointed.

(2) Represent the best interests of the child involved, and consider the best interests of the family, in the cases to which he or she is appointed.

(3) At the request of the judge, monitor cases to which he or she has been appointed to ensure that the court's orders have been fulfilled.

(d) The Judicial Council, through its rules and regulations, shall require an initial and ongoing training program consistent with this chapter for all persons acting as a CASA, including, but not limited to, each of the following:

(1) Dynamics of child abuse and neglect.

(2) Court structure, including juvenile court laws—~~regarding dependency.~~

(3) Social service systems.

(4) Child development.

(5) Cultural competency and sensitivity relating to, and best practices for, providing adequate care to lesbian, gay, bisexual, and transgender youth.

(6) Interviewing techniques.

(7) Report writing.

(8) Roles and responsibilities of a CASA.

(9) Rules of evidence and discovery procedures.

(10) Problems associated with verifying reports.

(e) The Judicial Council, through its CASA Advisory Committee, shall adopt guidelines for the screening of CASA volunteers, which shall include personal interviews, reference checks, checks for records of sex offenses and other criminal records, information from the Department of Motor Vehicles, and other information that the Judicial Council deems appropriate.

SEC. 3. Section 109 of the Welfare and Institutions Code is amended to read:

109. ~~Nothing~~—(a) (1) *Except as provided in paragraph (2), nothing* in this chapter permits a person acting as a CASA to participate or appear in criminal proceedings or in proceedings to declare a person a ward of the juvenile court pursuant to Section 601 or 602.

1 (2) A CASA may participate in proceedings determining the
2 disposition of the minor pursuant to Section 706, and in all
3 subsequent proceedings.

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